

Message Text

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PAGE 01 STATE 267220

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ORIGIN DRC-01

INFO OCT-01 EUR-12 ISO-00 L-03 SCSE-00 H-02 /019 R

DRAFTED BY FADRC/DR:FMMACHAK:VFH

APPROVED BY O/FADRC - MR. PRUDEN

L/M:KEMALMBORG

SCS:AAGISE

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P 292113Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY MADRID PRIORITY

UNCLAS STATE 267220

E.O. 11652: N/A

TAGS: CASC, SP (LEVIN, PAUL R.)

SUBJECT: PRIVACY ACT IN CASE OF PAUL LEVIN

1. INSTANCE SENATOR PERCY.
2. DEPARTMENT HAS RECEIVED EMBASSY'S OM OF SEPTEMBER 17, 1976 WHICH TRANSMITTED PROPOSED RESPONSE TO SENATOR PERCY'S LETTER OF AUGUST 9, 1976 CONCERNING CASE OF PAUL LEVIN.
3. SPECIFIC PROCEDURES FOR HANDLING CASES OF THI" NATURE CONTINUE TO EVOLVE AND DEPARTMENT APOLOGIZES FOR NOT HAVING RESPONDED TO POST'S PREVIOUS INQUIRIES.
4. THE PRIVACY ACT, GENERALLY, PROHIBITS AGENCY DISSEMINATION OF INFORMATION ABOUT U.S. CITIZENS FROM "NAME-RETRIEVABLE FILES" ON THEM WITHOUT THEIR WRITTEN CONSENT. THERE ARE 11 EXCEPTIONS TO THIS AND THE EXCEPTION APPLICABLE HERE IS THAT DEPARTMENT MAY RELEASE INFORMATION WITHOUT CONSENT IF THE INFORMATION IS RELEASABLE UNDER THE FREEDOM OF INFORMATION ACT. INFORMATION IS RELEASABLE UNDER FOI UNLESS IT WOULD UNCLASSIFIED

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PAGE 02 STATE 267220

CONSTITUTE A "CLEARLY UNWARRANTED INVASION OF PRIVACY."

5. GENERALLY, THE DEPARTMENT CONSIDERS INFORMATION ABOUT INDIVIDUALS IN PUBLIC RECORDS OR WHICH HAS BEEN PUBLICLY DISSEMINATED, AS NOT FALLING WITHIN PROHIBITIONS OF PRIVACY ACT. THUS, WE MAY DISSEMINATE TO INTERESTED PARTIES SUCH AS MEMBERS OF CONGRESS ANY PUBLIC STATEMENTS ON CASE BY SPANISH GOVERNMENT OR WHICH HAVE APPEARED IN SPANISH PRESS. WE DO NOT CONSIDER THE PRIVACY ACT AS A PROHIBITION ON THE DEPARTMENT TALKING ABOUT ANY ACTIONS IT ROUTINELY TAKES TO AID AMERICANS, SUCH AS REQUESTING CONSULAR ACCESS AND PROTESTING ABUSES. THUS, POST MAY TELL SENATOR PERCY OF ANY ACTIONS UNDERTAKEN TO GAIN ACCESS AND OBTAIN FACTS OF CASE UNLESS GENERAL POLICY CONSIDERATIONS DICTATE OTHERWISE. EMBASSY SHOULD NOT DIVULGE ANY INFORMATION WHICH HAS NOT OTHERWISE BEEN MADE PUBLIC.

6. DEPARTMENT BELIEVES POST CAN PROVIDE MORE SUBSTANTIVE RESPONSE TO QUESTIONS RAISED IN NEWSPAPER ARTICLE WHICH ACCOMPANIED PERCY'S LETTER WITHOUT PROVIDING PERSONAL DETAILS OF LEVIN CASE. POST CORRECT IN ASSUMING THAT LETTER OF CONSENT FROM LEVIN OR STATEMENT FROM SENATOR PERCY INDICATING HE IS ACTING ON BEHALF OF LEVIN IS NECESSARY BEFORE PERSONAL DETAILS REGARDING LEVIN CASE MAY BE RELEASED.

7. POST'S OM AND ATTACHMENTS INCLUDING MORE READABLE COPY OF NEWSPAPER ARTICLE BEING RETURNED VIA POUCH.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE267220
Document Source: CORE
Document Unique ID: 00
Drafter: FMMACHAK:VFH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760405-0175
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976103/aaaaacd1.tel
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Margaret P. Grafeld
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